

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ADAM DREXLER,

Plaintiff,

Index No. 10-CV-2645(FB)(ALC)

- against -

**ANSWER**

SHARINN & LIPSHIE, P.C.,  
ADAM DRAKE, HARVEY SHARINN,  
AMANDA MORENO, JACQUES  
NAZAIRE, AND FIRST RESOLUTION  
INVESTMENT CORP.,

Defendants.

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Defendant Amanda Moreno, representing herself, answers the Plaintiff's Complaint as follows:

I. INTRODUCTION

1. Defendant denies all allegations set forth in paragraph 1 of the Complaint and refers all questions of law to the Court.
2. Defendant denies all allegations set forth in paragraph 2 of the Complaint.

II. JURISDICTION AND VENUE

3. Defendant denies all allegations set forth in paragraph 3 of the Complaint and refers all questions of law to the Court.
4. Defendant denies all allegations set forth in paragraph 4 of the Complaint and refers all questions of law to the Court.

III. PARTIES

5. Defendant denies knowledge of information sufficient to form a belief as to the truth of

all allegations set forth in paragraph 5 of Complaint.

6. Defendant denies all allegations set forth in paragraph 6 of the Complaint and refers all questions of law to the Court.
7. Defendant admits to the allegations set forth in paragraph 7 of the Complaint.
8. Defendant admits to the allegations set forth in paragraph 8 of the Complaint.
9. Defendant denies all allegations set forth in paragraph 9 of the Complaint.
10. Defendant admits to the allegations set forth in paragraph 10 of the Complaint.
11. Defendant denies all allegations set forth in paragraph 11 of the Complaint.
12. Defendant denies all allegations set forth in paragraph 12 of the Complaint.
13. Defendant denies all allegations set forth in paragraph 13 of the Complaint.
14. Defendant denies all allegations set forth in paragraph 14 of the Complaint.
15. Defendant denies all allegations set forth in paragraph 15 of the Complaint.
16. Defendant denies all allegations set forth in paragraph 16 of the Complaint.
17. Defendant denies all allegations set forth in paragraph 17 of the Complaint.
18. Defendant admits to the allegations set forth in paragraph 18 of the Complaint.
19. Defendant denies all allegations set forth in paragraph 19 of the Complaint.
20. Defendant denies all allegations set forth in paragraph 20 of the Complaint.
21. Defendant denies all allegations set forth in paragraph 21 of the Complaint.
22. Defendant denies all allegations set forth in paragraph 22 of the Complaint.
23. Defendant admits to the allegations set forth in paragraph 23 of the Complaint.
24. Defendant denies all allegations set forth in paragraph 24 of the Complaint.
25. Defendant denies all allegations set forth in paragraph 25 of the Complaint.
26. Defendant denies all allegations set forth in paragraph 26 of the Complaint.

27. Defendant denies all allegations set forth in paragraph 27 of the Complaint.
28. Defendant denies all allegations set forth in paragraph 28 of the Complaint.
29. Defendant denies all allegations set forth in paragraph 29 of the Complaint.
30. Defendant denies all allegations set forth in paragraph 30 of the Complaint.
31. Defendant denies all allegations set forth in paragraph 31 of the Complaint.
32. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 32 of Complaint.
33. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 33 of Complaint.
34. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 34 of Complaint.
35. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 35 of Complaint.
36. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 36 of Complaint.

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*IV. FACTUAL ALLEGATIONS*

37. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 37 of Complaint.
38. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 38 of Complaint.
39. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 39 of Complaint.
40. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 40 of Complaint.
41. Defendant denies all allegations set forth in paragraph 41 of the Complaint.
42. Defendant denies all allegations set forth in paragraph 42 of the Complaint.

43. Defendant denies all allegations set forth in paragraph 43 of the Complaint.
44. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 44 of Complaint.
45. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 45 of Complaint.
46. Defendant admits to the allegations set forth in paragraph 46 of the Complaint.
47. Defendant denies all allegations set forth in paragraph 47 of the Complaint.
48. Defendant denies all allegations set forth in paragraph 48 of the Complaint.
49. Defendant denies all allegations set forth in paragraph 49 of the Complaint.
50. Defendant admits to the allegations set forth in paragraph 50 of the Complaint.
51. Defendant admits that a telephone conversation occurred but denies inactivity on her part.
52. Defendant denies any activity on her part and admits to receiving said letter from Mr. Mauro.
53. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 53 of Complaint.
54. Defendant admits to the allegations set forth in paragraph 54 of the Complaint.
55. Defendant admits in part to the allegations contained in paragraph 55 of the Complaint and denies the allegation that the aforementioned suits were filed illegally.
56. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 56 of Complaint.
57. Defendant denies all allegations set forth in paragraph 57 of the Complaint and refers all questions of law to the Court.

COUNT 1  
*Violations of Section 1692e and f of the  
Fair Debt Collection Practices Act, and their subsections*

58. Defendant repeats, reiterates and re-alleges each and every response to paragraphs 1

through 57, inclusive, of the Complaint in answer to paragraph 58 of the Complaint, with the same force and effort as if fully set forth herein.

- 59. Plaintiff recites sections of the law to which no response is required.
- 60. Plaintiff recites sections of the law to which no response is required.
- 61. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 61 of Complaint.
- 62. Defendant denies knowledge of information sufficient to form a belief as to the truth of all allegations set forth in paragraph 62 of Complaint.
- 63. Defendant admits to the allegations set forth in paragraph 63 of the Complaint.
- 64. Defendant denies all allegations set forth in paragraph 64 of the Complaint.
- 65. Defendant denies all allegations set forth in paragraph 65 of the Complaint.
- 66. Defendant denies all allegations set forth in paragraph 66 of the Complaint.
- 67. Defendant denies all allegations set forth in paragraph 67 of the Complaint.
- 68. Defendant denies all allegations set forth in paragraph 68 of the Complaint.
- 69. Defendant denies all allegations set forth in paragraph 69 of the Complaint.
- 70. Defendant denies all allegations set forth in paragraph 70 of the Complaint.

## COUNT II

### *Violations of New York General Business Law 349*

- 71. Defendant repeats, reiterates and re-alleges each and every response to paragraphs 1 through 70, inclusive, of the Complaint in answer to paragraph 71 of the Complaint, with the same force and effort as if fully set forth herein.
- 72. Plaintiff recites sections of the law to which no response is required.
- 73. Plaintiff recites sections of the law to which no response is required.
- 74. Defendant denies all allegations set forth in paragraph 74 of the Complaint.

- 75. Defendant denies all allegations set forth in paragraph 75 of the Complaint.
- 76. Defendant denies all allegations set forth in paragraph 76 of the Complaint.
- 77. Defendant denies all allegations set forth in paragraph 77 of the Complaint.
- 78. Defendant denies all allegations set forth in paragraph 78 of the Complaint.

COUNT III

*Negligence and Gross Negligence against Defendants*

- 79. Defendant repeats, reiterates and re-alleges each and every response to paragraphs 1 through 78, inclusive, of the Complaint in answer to paragraph 79 of the Complaint, with the same force and effort as if fully set forth herein.
- 80. Defendant denies all allegations set forth in paragraph 80 of the Complaint.
- 81. Defendant denies all allegations set forth in paragraph 81 of the Complaint.
- 82. Defendant denies all allegations set forth in paragraph 82 of the Complaint.
- 83. Defendant denies all allegations set forth in paragraph 83 of the Complaint.

COUNT IV

*Abuse of Process*

- 84. Defendant repeats, reiterates and re-alleges each and every response to paragraphs 1 through 83, inclusive, of the Complaint in answer to paragraph 84 of the Complaint, with the same force and effort as if fully set forth herein.
- 85. Defendant denies all allegations set forth in paragraph 85 of the Complaint.
- 86. Defendant denies all allegations set forth in paragraph 86 of the Complaint.
- 87. Defendant denies all allegations set forth in paragraph 87 of the Complaint.
- 88. Defendant denies all allegations set forth in paragraph 88 of the Complaint.
- 89. Defendant denies all allegations set forth in paragraph 89 of the Complaint.

- 90. Defendant denies all allegations set forth in paragraph 90 of the Complaint.
- 91. Defendant denies all allegations set forth in paragraph 91 of the Complaint.
- 92. Defendant denies all allegations set forth in paragraph 92 of the Complaint.
- 93. Defendant denies all allegations set forth in paragraph 93 of the Complaint.

AS AND FOR DEFENDANT'S FIRST AFFIRMATIVE DEFENSE

- 94. The Court has no jurisdiction over any claims alleged by Plaintiff pursuant to the New York General Business Obligations Law.

AS AND FOR THE DEFENDANT'S SECOND AFFIRMATIVE DEFENSE

- 95. In the event that the Court finds that the Defendants violated the Federal Debt Collection Practices Act, said violation is a bone fide error as defined in the statute.

AS AND FOR THE DEFENDANT'S THIRD AFFIRMATIVE DEFENSE

- 96. The Complaint fails to state a claim upon which relief may be granted against Defendant.

AS AND FOR THE DEFENDANT'S FOURTH DEFENSE

- 97. Plaintiff's damages, if any, suffered by reason of the matters alleged in the Complaint are the direct and proximate result of the acts and/or admissions of persons other than S&L and for whose conduct S&L cannot be held liable; and/or result from intervening causes for which S&L is not responsible.

AS AND FOR THE DEFENDANT'S FIFTH DEFENSE

- 98. Plaintiff's right to recovery against S&L is barred and/or any recovery to which Plaintiff might otherwise be entitled must be reduced by Plaintiff's contributory and comparative negligence.

AS AND FOR THE DEFENDANT'S SIXTH DEFENSE

99. Plaintiff expressly or impliedly consented to Defendants conduct towards Plaintiff.

AS AND FOR THE DEFENDANT'S SEVENTH DEFENSE

100. Plaintiff's action constitute a waiver of any right or remedy.

AS AND FOR THE DEFENDANT'S EIGHT DEFENSE

101. The Defendants acted reasonably and in good faith with respect to Plaintiff at all material times based upon all relevant facts and circumstances known to the Defendants.

AS AND FOR THE DEFENDANT'S NINTH DEFENSE

102. The herein action was brought in bad faith and for the purposes of harassment.

AS AND FOR THE DEFENDANT'S TENTH DEFENSE

103. The Defendants reserve the right to assert any other additional defense which may become known or available to it during the pendency of this action.

WHEREFORE, Defendants pray that this Court dismiss Plaintiff's Complaint in its entirety as Plaintiff's action was brought in bad faith, with the intention to harass Plaintiff. As such, Defendant respectfully requests that the Court award Defendant costs and attorney fees pursuant to 15 U.S.C. 1692k(3).

Dated: July 21, 2010  
Uniondale, New York

SHARINN & LIPSHIE, P.C.

By: \_\_\_\_\_ S/ \_\_\_\_\_  
Amanda J. Moreno (AM0544)



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